

REMARKS

This Amendment is being filed in response to the Final Office Action mailed on March 27, 2008. By means of the present amendment, independent claims 1, 16 and 31 have been amended to include features of claims 4-5 or 19-20, and to place them in better form for appeal. Accordingly, entry of the present amendment and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-3, 4-18 and 20-32 remain in this application, where claims 4 and 19 have been canceled by this amendment without prejudice.

In the Final Office Action, the Examiner suggested adding headings to the specification. Applicant gratefully acknowledge the Examiner's suggestion, however respectfully declines to add the headings as they are not required in accordance with MPEP §608.01(a), and could be inappropriately used in interpreting the specification.

Section headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but per 37

CFR 1.51(d) are only guidelines that are suggested for applicant's use. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77").

It is respectfully submitted that "should" as recited in MPEP §608.01(a) is suggestive or permissive, and not mandatory as in "must" or "shall". For example, 37 CFR 1.77(b) recites:

The specification should include the following sections in order: (Emphasis added)

Similarly, 37 CFR 1.77(c) recites:

The text of the specification sections defined in paragraphs (b)(1) through (b)(12) of this section, if applicable, should be preceded by a section heading in uppercase and without underlining or bold type. (Emphasis added)

By contrast, 37 CFR 1.77(b)(5) recites:

(5) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on a compact disc and an incorporation-by-reference of the material on the compact disc (see § 1.52(e)(5)). The total number of compact discs including duplicates and the files on each compact disc shall be specified. (Emphasis added)

Thus, it is respectfully submitted that a distinction is made between "should" and "shall", where "should" is permissive, and "shall" is mandatory. Accordingly, it is respectfully submitted that headings are not required in accordance with MPEP §608.01(a).

In the Final Office Action, claims 1-30 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Without agreeing with the Examiner, and in the interest of advancing prosecution, claims 1, 4 and 16 have been amended to remove the alleged informalities noted by the Examiner. It is respectfully submitted that the rejection of claims 1-30 has been overcome and an indication as such is respectfully requested.

In the Final Office Action, claims 1-32 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over WO 01/37309 (Partlo). It is respectfully submitted that claims 1-3, 4-18 and 20-32 are patentable over Partlo for at least the following reasons.

Partlo is directed to a plasma focus light source that includes a conical nested debris collector 5. The debris collector 5 collects debris resulting from a plasma pinch, as recited on page 11, line 10. As clearly shown in FIG 9, the conical nested debris

collector 5 is located between a dense plasma focus (DPF) radiation source and a collector director 4 that receives the radiation from the DPF. The debris collector 5 prevents debris from reaching the collector director 4.

It is respectfully submitted that Partlo does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 16 and 31 which, amongst other patentable elements, recites (illustrative emphasis provided):

collecting the contaminants at at least one obstacle located at a second portion of said at least one surface, wherein said at least one obstacle includes at least one recess formed in said at least one surface.

There is simple no teaching or suggestion in Partlo of collecting contaminants at an obstacle that includes a recess. Accordingly, it is respectfully submitted that independent claims 1, 16 and 31 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-3, 5-15, 17-18, 20-30 and 32 should also be allowed at least based on their dependence from independent claims 1, 16 and 31, as well as their individually patentable elements. Accordingly,

separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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